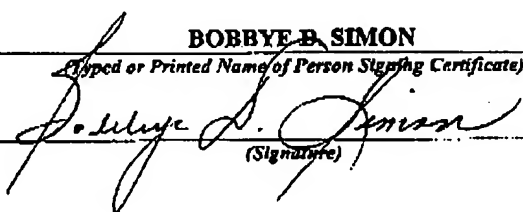

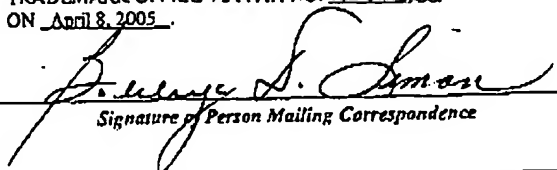


|   |                                 |                                 |   |
|---|---------------------------------|---------------------------------|---|
| <b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b>  |                                 |                                 | Docket No.                                    |
| Applicant(s): MORTZ, Margaret S.  |                                 |                                 |   |
| Serial No.<br>10/700,319  | Filing Date<br>November 3, 2003 | Examiner<br>WINAKUR, Eric Frank | Group Art Unit<br>3736                        |
| Invention:<br><b>PULSE OXIMETRY SpO2 DETERMINATION</b>  |                                 |                                 |   |
|   |                                 |                                 | RECEIVED<br>CENTRAL FAX CENTER<br>APR 08 2005 |
| I hereby certify that this <u>First Preliminary Amendment and copy of Information Disclosure Statement</u><br>(Identify type of correspondence)<br>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-872-9306</u> )<br>on <u>April 8, 2005</u><br>(Date) |                                 |                                 |   |
| <div style="text-align: center;"><u>BOBBYE B. SIMON</u><br/>(Typed or Printed Name of Person Signing Certificate)<br/><br/>(Signature)</div>   |                                 |                                 |   |
| Note: Each paper must have its own certificate of mailing.  |                                 |                                 |   |

|  |                                     |                              |   |                        |   |  |
|--|-------------------------------------|------------------------------|---|------------------------|---|--|
| <b>AMENDMENT TRANSMITTAL LETTER (Large Entity)</b>   |                                     |                              |   |                        | Docket No.<br>41942-05546                     |  |
| Applicant(s): MORTZ, Margaret S.   |                                     |                              |   |                        |   |  |
| Application No.<br>10/700,319  | Filing Date<br>November 3, 2003     | Examiner<br>Not Yet Assigned | Customer No.<br>25231   | Group Art Unit<br>3736 | Confirmation No.<br>5097                      |  |
| Invention: PULSE OXIMETRY SpO2 DETERMINATION   |                                     |                              |   |                        |   |  |
| <b>COMMISSIONER FOR PATENTS:</b>   |                                     |                              |   |                        | RECEIVED<br>CENTRAL FAX CENTER<br>APR 08 2005 |  |
| Transmitted herewith is an amendment in the above-identified application.<br>The fee has been calculated and is transmitted as shown below.  |                                     |                              |   |                        |   |  |
| <b>CLAIMS AS AMENDED</b>   |                                     |                              |   |                        |   |  |
|  | CLAIMS REMAINING<br>AFTER AMENDMENT | HIGHEST #<br>PREV. PAID FOR  | NUMBER EXTRA<br>CLAIMS PRESENT  | RATE                   | ADDITIONAL<br>FEE                             |  |
| TOTAL CLAIMS   | 24 -                                | 20 =                         | 4   | x \$18.00              | \$72.00                                       |  |
| INDEP. CLAIMS  | 6 -                                 | 3 =                          | 3   | x \$88.00              | \$264.00                                      |  |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/>   |                                     |                              |   |                        | \$0.00  |  |
| <b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>   |                                     |                              |   |                        | <b>\$336.00</b>                               |  |
| <input type="checkbox"/> No additional fee is required for amendment.<br><input checked="" type="checkbox"/> Please charge Deposit Account No. 50-1419 in the amount of \$336.00<br><input type="checkbox"/> A check in the amount of to cover the filing fee is enclosed.<br><input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 50-1419<br><input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16.<br><input type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.<br><input type="checkbox"/> Payment by credit card. Form PTO-2038.<br><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b> |                                     |                              |   |                        |   |  |
| <br>Signature   |                                     |                              | Dated: April 8, 2005  |                        |   |  |
| Kent A. Fischmann, Esq.<br>Registration No. 35,511<br>MARSH FISCHMANN & BREYFOGLE LLP<br>3151 South Vaughn Way, Suite 411<br>Aurora, Colorado 80014<br>(720)562-5501   |                                     |                              | <b>CERTIFICATE OF TRANSMISSION BY FACSIMILE</b><br><br>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING TRANSMITTED TO THE UNITED STATES PATENT AND TRADEMARK OFFICE VIA FAX NO. 703-872-9306 ON April 8, 2005.<br><br><br>Signature of Person Mailing Correspondence |                        |   |  |

cc:

## PATENT APPLICATION

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APR 08 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

MORTZ, Margaret S.

Serial No.: 10/700,319

Filed: November 3, 2003

Confirmation No.: 5097

Atty. File No.: 41942-05546

For: "PULSE OXIMETRY SpO2  
DETERMINATION"

) Group Art Unit: 3736

)

) Examiner: WINAKUR, Eric Frank

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) **FIRST PRELIMINARY AMENDMENT**

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| <p style="text-align: center;">CERTIFICATE OF TRANSMISSION BY FACSIMILE</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING<br/>TRANSMITTED TO THE UNITED STATES PATENT AND<br/>TRADEMARK OFFICE VIA FAX NO. <u>703-872-9306</u><br/>ON <u>April 8, 2005</u>.</p> <p style="text-align: center;">MARSH FISCHMANN &amp; BREYFOOT LLP</p> <p>BY <u>Bobbie D. Simon</u><br/>Bobbie D. Simon</p> |
|--|

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Prior to the initial review of the above-identified patent application by the Examiner, please enter the following Preliminary Amendment. Please charge all additional fees associated with this Preliminary Amendment to Deposit Account No. 50-1419.

Please amend the above-identified patent application as follows: